

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

Office of Conservation and Coastal Lands
Honolulu, Hawaii

REF:OCCL:DH

CDUA: HA-3405

Acceptance Date: February 2, 2007
180-Day Exp. Date: January 28, 2008

January 11, 2008

**Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawaii**

REGARDING: 3rd Time Extension Request to Extend the Processing Period for an Additional 90-days for Conservation District Use Application (CDUA) HA-3405 to Develop a Sustainable Commercial Koa Timber Forestry Operation in South Hilo, Hawaii

APPLICANT: Kyle Dong, 2051 Young Street, Suite 200, Honolulu, Hawaii 96826

LANDOWNER: Hawaii Forest Preservation, 2051 Young Street, Suite 200, Honolulu, Hawaii 96826

LOCATION: Papaikou and Paukaa Districts, Island of Hawaii

TMKs: (3) 2-7-001:001
(3) 2-8-001:002

AREA OF PARCELS/ 11,427 Acres

USE: All

SUBZONE: Resource Subzone

BACKGROUND:

Three Conservation District Use Applications (CDUA) have been submitted and withdrawn; CDUA HA-3026; CDUA HA-3062, and CDUA HA-3066. CDUA HA-3405 was submitted and accepted for processing to obtain a commercial koa forestry operation permit from the department.

On February 2, 2007, the Department of Land and Natural Resources' (DLNR), Office of Conservation and Coastal Lands (OCCL) accepted CDUA HA-3045 for processing. The comment period closed on April 23, 2007, and at that time the OCCL notes there were major issues and/or concerns raised during the Draft Environmental Impact Statement (DEIS) review

period. The OCCL asked the applicant to address the issues raised during the EIS review process, and resubmit an updated management plan.

TIME EXTENSION REQUEST:

A first time extension request was approved by the Board of Land and Natural Resources (BLNR) until to October 30, 2007. A second time extension request was approved by the BLNR on October 12, 2007, until January 28 2008. Staff notes the applicant, needs to incorporate substantial information into the Final EIS, and is requesting that the Board approve an additional 90-day time extension (**Exhibit 1**). Staff notes the requested extension of 90-days is not enough time to allow for staff analysis of the Final EIS, hold the required Public Hearing in Hilo, analyze the subject CDUA, and required Management Plan and prepare the staff report for the Board of Land and Natural Resource's (BLNR) consideration. Therefore, staff notes it is likely that the applicant will require a fourth time extension.

AUTHORITY FOR GRANTING TIME EXTENSIONS:

The authority for granting time extensions to the CDUA processing period is provided in Section 183C-6(b), HRS, which states that "When an environmental impact statement is required pursuant to Chapter 343 ... the one-hundred eighty-days may be extended an additional ninety days at the request of the applicant. Any request for additional extensions shall be subject to the approval of the board." The subject request is for a 90-day time extension.

DISCUSSION:

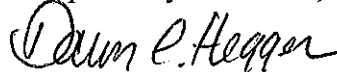
At this point, staff believes that all interests are best served by extending the CDUA processing period to allow for the completion of the Final EIS, which will be useful in analyzing the CDUA and Management Plan and rendering a decision to it.

Staff, therefore, recommends as follows:

RECOMMENDATION:

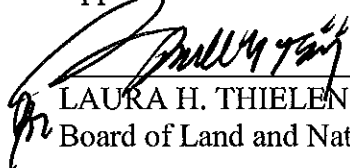
That the Board of Land and Natural Resources APPROVE an extension of the processing period to **April 27, 2008** for the subject CDUA.

Respectfully submitted,



Dawn T. Hegger
Senior Staff Planner

Approved for submittal:



LAURA H. THIELEN, Chairperson
Board of Land and Natural Resources

DAWN

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS

December 16, 2007

2007 DEC 17 A 9:07

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

State of Hawaii
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
P.O. Box 621
Honolulu, Hawaii 96809

David De Luz Jr.
811 Kanoelehua Ave.
Hilo, Hawaii 96720

Kyle Dong
2051 Young Street
Honolulu, Hawaii 96826
808-358-1521

Re: Application for CDUP extension

To: Sam Lemmo and Dawn Hegger:

This letter is to request a 90 day extension for the Conservation District Use Permit that was submitted on January 2, 2007 for David De Luz Jr. for TMK: (3) -2-7-001:001 and (3)-2-8-001:002.

I thank you ahead of time for your cooperation in this matter.

Sincerely,



Kyle E. Dong
Agent

EXHIBIT 1